

AMENDMENTS TO THE DRAWINGS

Please replace drawing sheets 2, 3, 5, 6, and 7 with the newly-submitted figures attached herewith on separate sheets labeled “Replacement Sheet.” A marked-up copy of these sheets is also included for further explanation, labeled “Annotated Sheet.” The following are the changes and/or corrections made to the drawings:

Fig. 2:

- 1) added reference line for reservoir 104
- 2) added reference 118 for bottom of reservoir
- 3) added reference 122 for opening of reservoir
- 4) added reference 130 for upper edge of reservoir

Fig. 3:

- 1) added reference 123 for base

Fig. 7:

- 1) added reference for reservoir 104
- 2) modified structure of reservoir 104

Fig. 8:

- 3) added reference for reservoir 104
- 1) modified structure of reservoir 104

Fig. 9:

- 1) added reference 165 for vent hole
- 2) added reference 170 for mechanical stop
- 3) added reference 172 for pin
- 4) added reference 174 for slot
- 5) added reference 176 for tab

Fig. 10:

- 1) added reference 165 for vent hole

Fig. 11:

- 1) added reference 102 for base
- 2) added reference 103 for fuel-supply module
- 3) added reference 110 for shade
- 4) added reference 160 for adjustable collar assembly
- 5) added reference 178 for external threads

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed November 30, 2004 (Paper No. 11112004). Upon entry of this response, claims 1-15 are pending in the application. Applicants respectfully request that the amendments being filed herewith be entered and request that there be reconsideration of all pending claims.

1. Drawings Objections

The drawings have been objected to under 37 CFR 1.84(p)(5). Specifically, the Office Action states that the drawings “do not include the following reference sign(s) mentioned in the description: in Figures 9 and 10: vent holes 165, mechanical stop 170, pin 172, and slot 174; and in Figure 9: base 161, tabs 176, and exterior threads 178.”

A proposed drawing correction to Figure 9 is submitted with this Response. The correction shows newly added reference signs for base 161, holes 165, stop 170, pin 172, slot 174, and tabs 176. A proposed drawing correction to Figure 10 is also submitted with this response. The correction shows newly added reference signs for holes 165. Applicants respectfully submit these corrections overcomes the drawing objection with regard to reference numerals 161, 165, 170, 172, 174, and 176 in Figures 9 and 10.

Applicants respectfully traverse the drawing rejection as it relates to exterior threads 178 and Figure 9. The reference to threads 178 in the specification refers to Figure 11, not Figure 9: “Referring briefly to FIG. 11, these tabs are sized and arranged to engage exterior threads 178 formed at an upper edge of lamp base 102.” (Specification, p. 8, lines 9-10.) Applicants respectfully request that the drawing objection with regard to Figure 9 and reference numeral 178 be withdrawn.

Finally, Applicants have amended the description of stop 170, pin 172 and slot 174 (Specification, p. 7, line 19 to p. 8, line 3) to refer only to Figure 9, rather than to Figures 9 and 10. Applicants respectfully submit that this specification amendment overcomes the drawing objection with regard to Figure 10 and reference numerals 170, 172 and 174.

2. Specifications Objections

The Office Action objects to p. 5, lines 14, “an upper edge 130 of the reservoir,” further stating that “It is believed that Applicant meant to identify the upper edge of the reservoir with numeral ‘120.’” Applicants submit a drawing correction to Figure 2 with this Response, including newly added reference numeral 130 identifying the upper edge of the reservoir. Therefore, Applicants respectfully request the objection be withdrawn.

3. Rejection of Claims 1, 3-10, and 12-15 under 35 U.S.C. §103

Claims 1, 3-10, and 12-15 have been rejected under §103(a) as being unpatentable over *Hammons et al.* (U.S. 5,840,246) in view of *Berenger* (U.S. 1,067,965) and in further view of *Ruetz* (U.S. 2,774,235) and further in view of *Frangos* (U.S. 3,355,913). Applicants respectfully traverse these rejections. It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly, all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Claims 1 and 13

1) The proposed combination does not teach, disclose, or suggest every element of Claims 1 and 13

Applicants respectfully submit that claims 1 and 13 are allowable for at least the reason that the proposed combination of *Hammons et al.* in view of *Berenger* and further in view of *Ruetz* and *Frangos*, does not disclose, teach, or suggest at least the feature of “at least one opening formed between the first end and the second end, the at least one opening being located such that fragranced components of oil stored in the reservoir can be entrained by air and emanated from the base” as recited in claims 1 and 13.

The Office Action alleges that this feature is disclosed by the side ports 18 of *Frangos*. Applicants respectfully disagree. The apparatus in *Frangos* burns gas, which flows from tank 1 through stem 16. The gas emerges from the top of the stem 16 and from side ports 18, where it is ignited. (Col. 2, lines 45-50.) Thus, side ports 18 do not correspond to the “opening” recited in claims 1 and 13, which is “located such that fragranced components of oil stored in the reservoir can be entrained by air.” *Frangos* teaches, instead, that perfume vapors are “carried through [space B] with a current of air admitted through inlet port 19” and “discharged in dispensable form through vent 20.” (Col. 2, line 70 to Col. 3, line 3.) Applicants note that inlet port 19 is not an opening formed in the burner tube or sleeve 14, but is an opening formed instead in housing 19. (See FIG. 1.)

Finally, *Berenger* fails to teach, suggest or disclose “at least one opening formed between the first end and the second end,” and the Office Action admits that *Hammons et al.* fails to teach this feature. Accordingly, the proposed combination of *Hammons et al.* in view of *Berenger*, and further in view of *Ruetz* and *Frangos*, does not teach at least the above-described feature as recited in claims 1 and 13. Since the proposed combination does not teach at least the above-

described feature, a *prima facie* case establishing an obviousness rejection by *Hammons et al.* in view of *Berenger*, and further in view of *Ruetz* and *Frangos*, has not been made. Thus, claims 1 and 13 are not obvious under the proposed combination, and the rejection should be withdrawn.

2) There is no motivation to combine the cited references

Hammons et al. and *Berenger* are directed to lamps having a wick and liquid fuel which is drawn by capillary action to one end of the wick where it is ignited. In contrast, *Frangos* is directed to a lamp using gas which is drawn to one end and ignited. Thus, there is no motivation to combine the fuel delivery mechanism used in the gas lamp of *Frangos* with the fuel delivery mechanism used in the oil lamps of *Hammons et al.* and *Berenger*.

Although the butane lighter in *Ruetz* uses liquid fuel, it relies on vapor pressure to draw fuel through the wick. Thus, there is no motivation to combine the vapor pressure fuel delivery mechanism used in the butane lighter of *Ruetz* with the capillary fuel delivery mechanism used in the oil lamps of *Hammons et al.* and *Berenger*.

Since there is no motivation to combine these references, a *prima facie* case establishing an obviousness rejection by *Hammons et al.* in view of *Berenger*, and further in view of *Ruetz* and *Frangos*, has not been made. Thus, claims 1 and 13 are not obvious under the proposed combination, and the rejection should be withdrawn.

b. Claims 3-10, 12, and 14-15

Since claims 1 and 13 are allowable, Applicants respectfully submit that claims 3-10, 12, and 14-15 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claims 3-10, 12, and 14-15 be withdrawn.

4. Rejection of Claim 11 under 35 U.S.C. §103

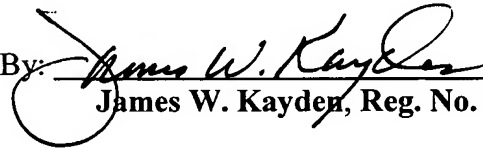
Claim 11 has been rejected under §103(a) as being unpatentable over *Hammons et al.* (U.S. 5,840,246) in view of *Berenger* (U.S. 1,067,965) and in further view of *Ruetz* (U.S. 2,774,235) and further in view of *Frangos* (U.S. 3,355,912) and *Taylor et al.* (U.S. 5,624,230). Applicants respectfully traverse these rejections. Since claim 10 is allowable, Applicants respectfully submit that claim 11 is allowable for at least the reason that it depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claim 11 be withdrawn.

CONCLUSION

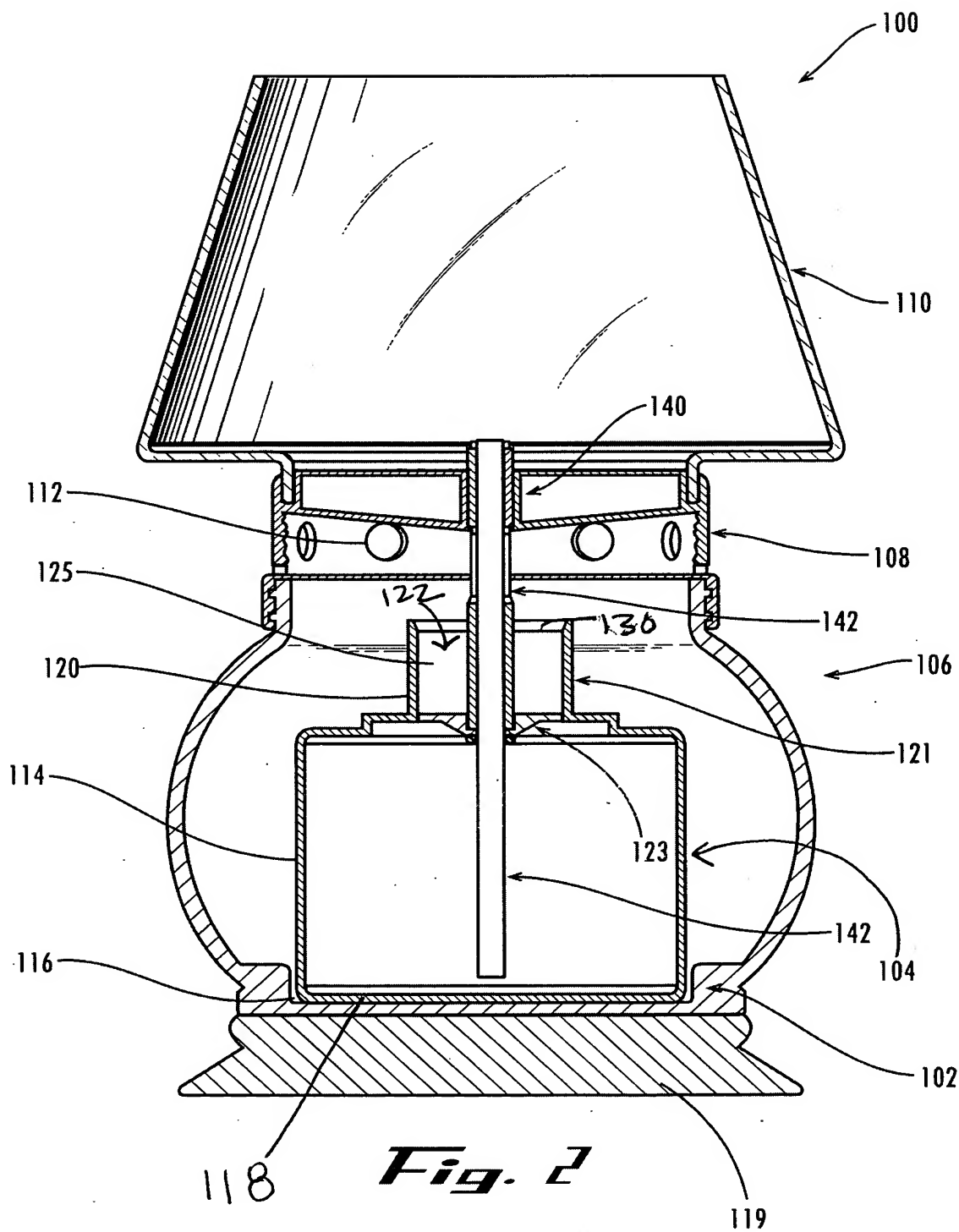
Applicants respectfully request that all outstanding objections and rejections be withdrawn and that this application and presently pending claims 1-15 be allowed to issue. If the Examiner has any questions or comments regarding Applicants' response, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted,

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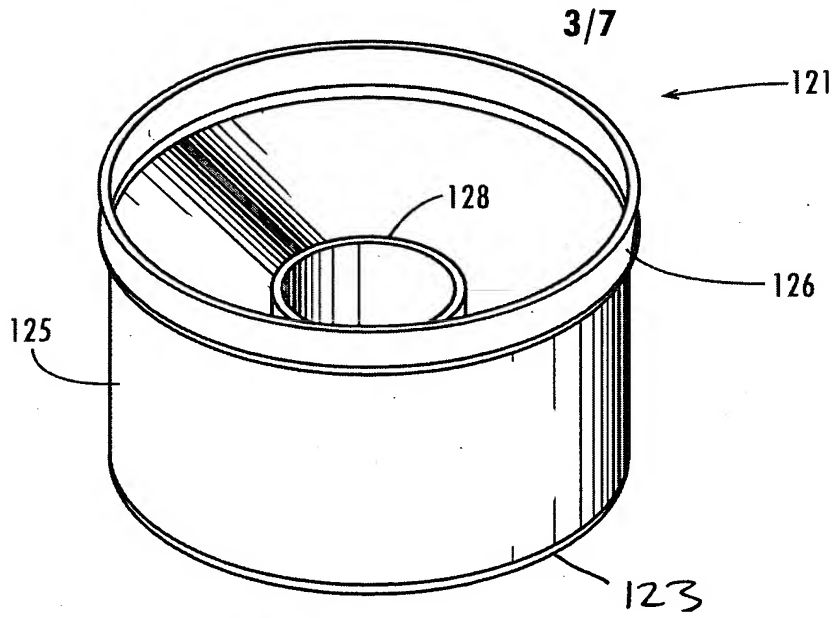


Fig. 3

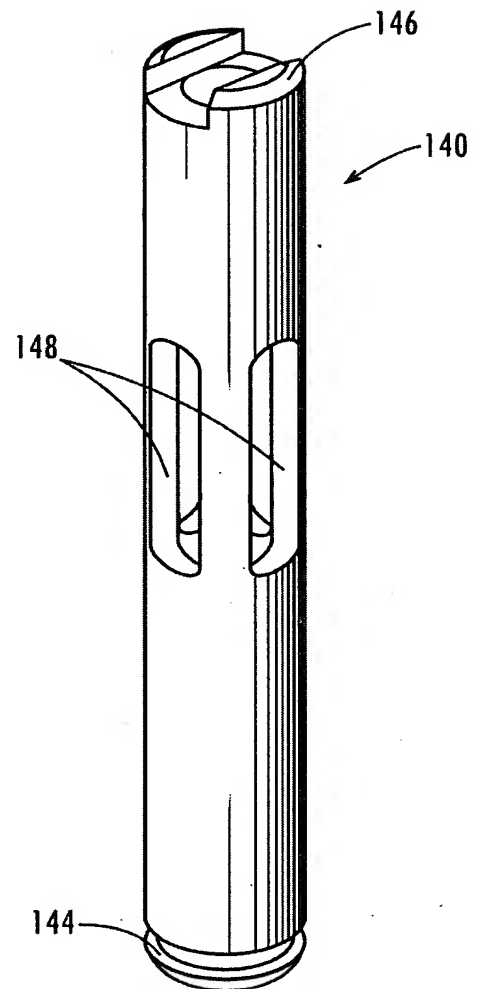


Fig. 4

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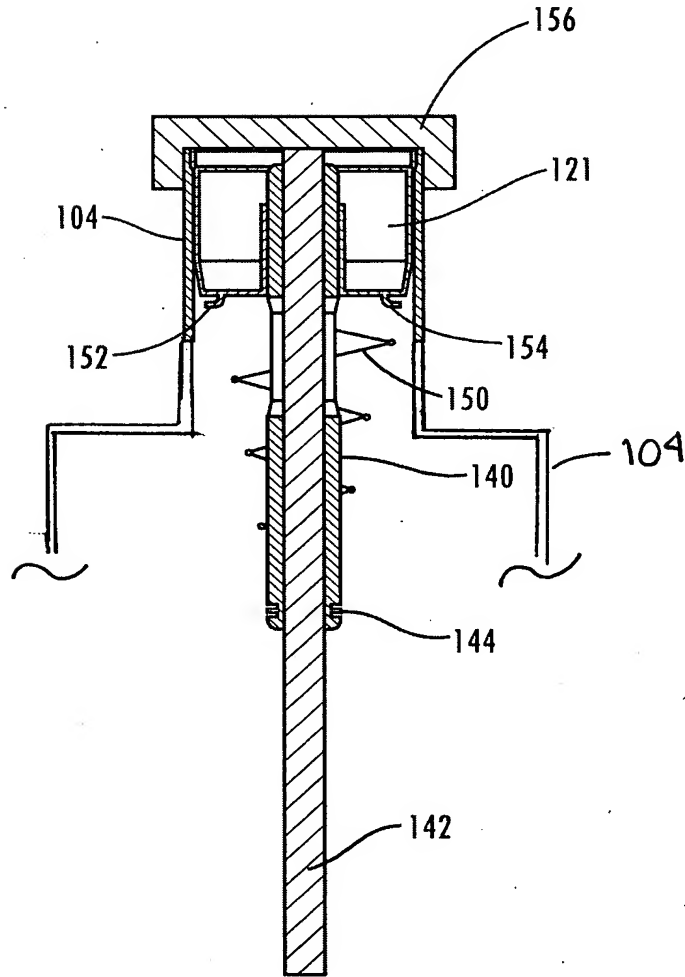


Fig. 7

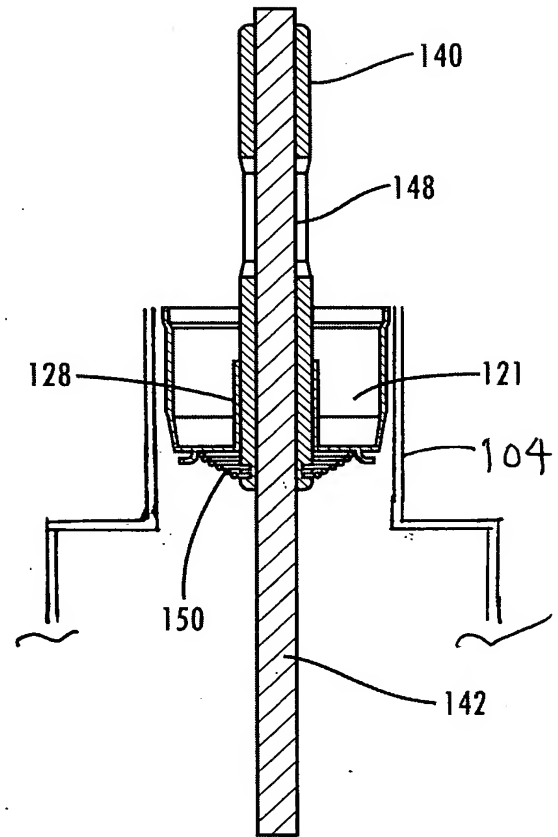


Fig. 8

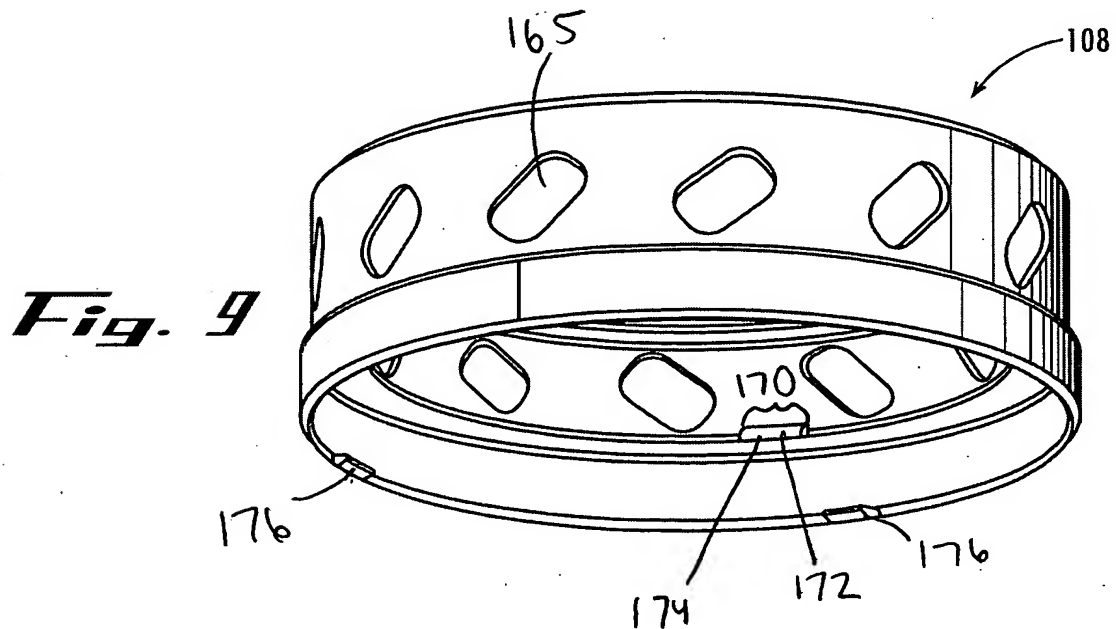


Fig. 9

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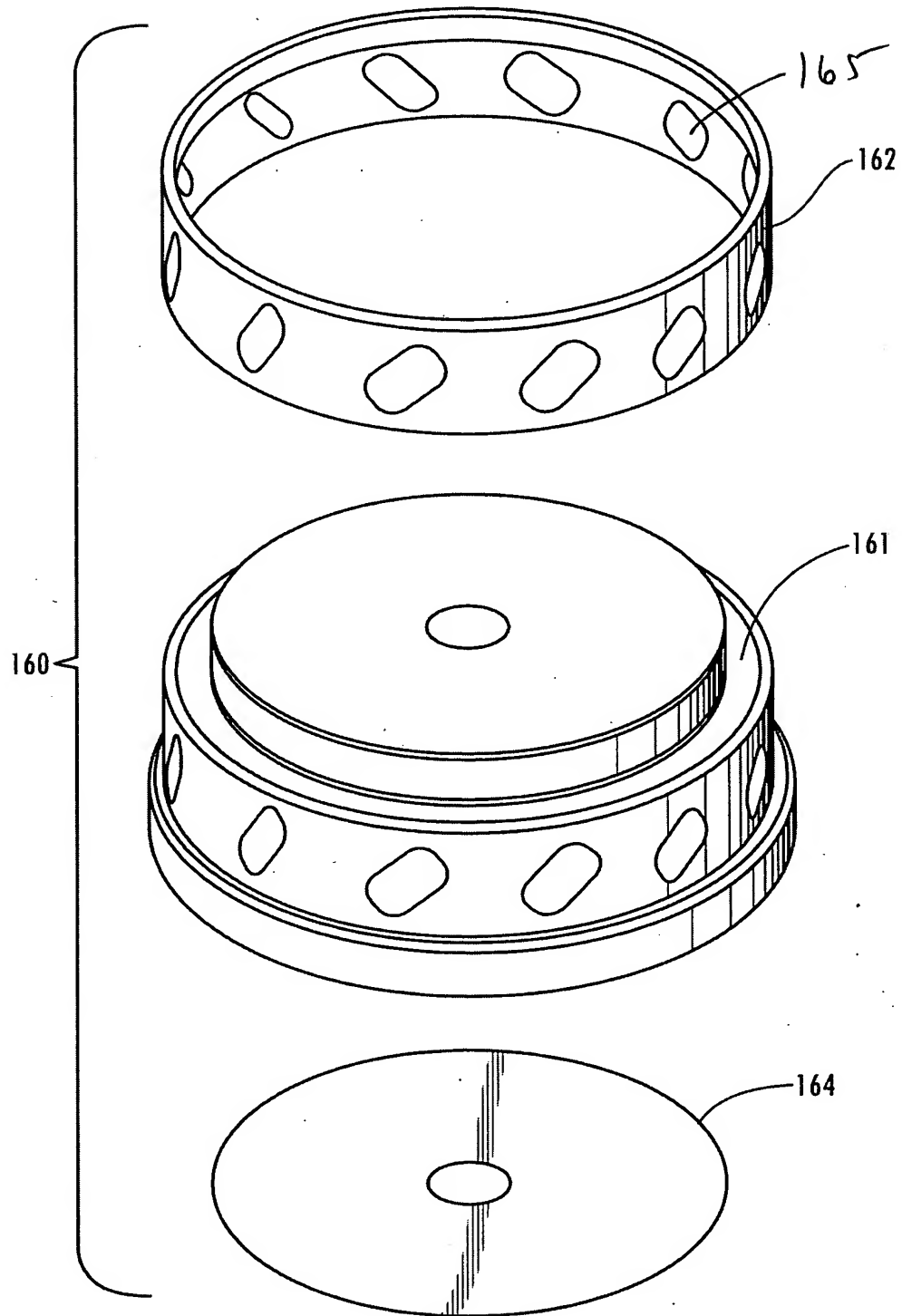


Fig. 10

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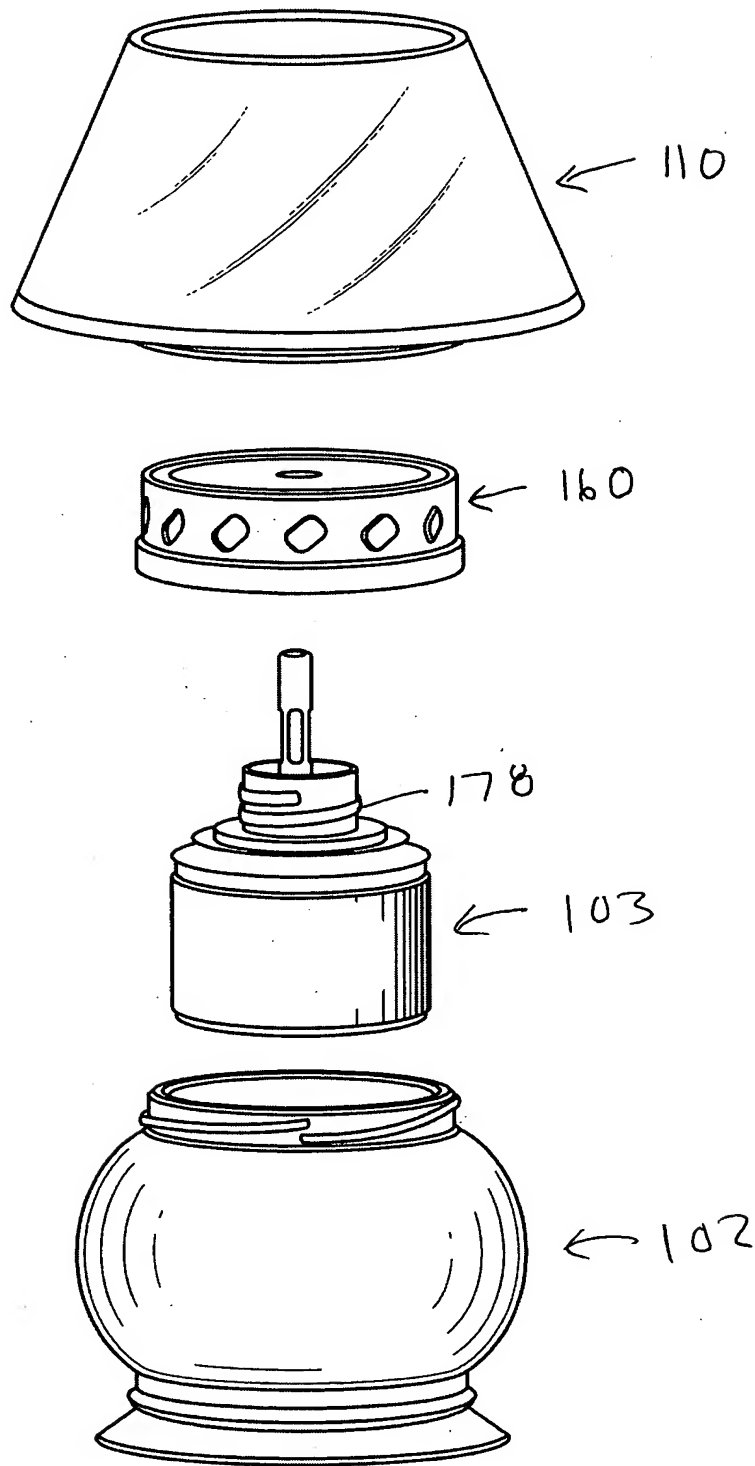


Fig. 11